

Appl. No. : 10/063,717  
Filed : May 8, 2002

### AMENDMENTS TO THE CLAIMS

1-3. (Canceled).

4. (Currently Amended) ~~The An isolated nucleic acid of Claim 1~~ having at least 95% nucleic acid sequence identity to:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:92;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:92, lacking its associated signal peptide;~~

~~(a)(e)~~ the nucleic acid sequence of SEQ ID NO:91;

~~(b)(d)~~ the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:91; or

~~(c)(e)~~ the full-length coding sequence of the cDNA deposited under ATCC accession number 203225;

wherein said isolated nucleic acid is more highly expressed in normal esophagus, stomach, lung, rectum and skin compared to tumor in these same tissue types, ~~or wherein said isolated nucleic acid encodes a polypeptide that is more highly expressed in normal esophagus, stomach, lung, rectum and skin compared to tumor in these same tissue types.~~

5. (Currently Amended) The isolated nucleic acid of ~~Claim 1~~ Claim 4 having at least 99% nucleic acid sequence identity to:

~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:92;~~

~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:92, lacking its associated signal peptide;~~

~~(a)(e)~~ the nucleic acid sequence of SEQ ID NO:91;

~~(b)(d)~~ the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:91; or

~~(c)(e)~~ the full-length coding sequence of the cDNA deposited under ATCC accession number 203225;

wherein said isolated nucleic acid is more highly expressed in normal esophagus, stomach, lung, rectum and skin compared to tumor in these same tissue types, ~~or wherein said isolated nucleic acid encodes a polypeptide that is more highly expressed in normal esophagus, stomach, lung, rectum and skin compared to tumor in these same tissue types.~~

Appl. No. : 10/063,717  
Filed : May 8, 2002

6. (Currently Amended) An isolated nucleic acid comprising:
- ~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:92;~~
  - ~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:92, lacking its associated signal peptide;~~
  - (a)(e) the nucleic acid sequence of SEQ ID NO:91;
  - (b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:91; or
  - (c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203225.
- 7-10. (Canceled).
11. (Previously Presented) The isolated nucleic acid of Claim 6 comprising the nucleic acid sequence of SEQ ID NO:91.
12. (Previously Presented). The isolated nucleic acid of Claim 6 comprising the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:91.
13. (Original) The isolated nucleic acid of Claim 6 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203225.
14. (Currently Amended) An isolated nucleic acid that hybridizes under stringent conditions to:
- ~~(a) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:92;~~
  - ~~(b) a nucleic acid sequence encoding the polypeptide of SEQ ID NO:92, lacking its associated signal peptide;~~
  - (a)(e) the nucleic acid sequence of SEQ ID NO:91 or a complement thereof;
  - (b)(d) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:91 or a complement thereof; or
  - (c)(e) the full-length coding sequence of the cDNA deposited under ATCC accession number 203225 or a complement thereof;
- wherein said stringent conditions comprise 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium

Appl. No. : 10/063,717  
Filed : May 8, 2002

chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C;

wherein said isolated nucleic acid molecule is suitable for use as a PCR primer, or probe;

and wherein said isolated nucleic acid is at least about 20 nucleotides in length.

15. (Canceled).

16. (Currently Amended) The isolated nucleic acid of Claim 14 which is at least ~~40~~ about 50 nucleotides in length.

17. (Currently Amended) A vector comprising the nucleic acid of ~~Claim 1~~ Claim 4.

18. (Original) The vector of Claim 17, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

19. (Previously Presented) An isolated host cell comprising the vector of Claim 17.

20. (Original) The host cell of Claim 19, wherein said cell is a CHO cell, an E. coli or a yeast cell.

21. (New) The isolated nucleic acid of Claim 14 which is at least about 75 nucleotides in length.

22. (New) The isolated nucleic acid of Claim 14 which is at least about 100 nucleotides in length.

23. (New) The isolated nucleic acid of Claim 14 which is at least about 150 nucleotides in length.

24. (New) The isolated nucleic acid of Claim 14 which is at least about 200 nucleotides in length.

25. (New) The isolated nucleic acid of Claim 14 which is at least about 250 nucleotides in length.

26. (New) An isolated nucleic acid having at least 95% nucleic acid sequence identity to:

(a) the nucleic acid sequence of SEQ ID NO:91;

(b) the full-length coding sequence of the nucleic acid sequence of SEQ ID

NO:91; or

**Appl. No.** : 10/063,717  
**Filed** : May 8, 2002

(c) the full-length coding sequence of the cDNA deposited under ATCC accession number 203225;

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO:91 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

27. (New) The isolated nucleic acid of Claim 26 having at least 99% nucleic acid sequence identity to:

(a) the nucleic acid sequence of SEQ ID NO:91;

(b) the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:91; or

(c) the full-length coding sequence of the cDNA deposited under ATCC accession number 203225;

wherein said isolated nucleic acid hybridizes to the complement of a nucleic acid of SEQ ID NO:91 under conditions of 50% formamide, 5 x SSC (0.75 M NaCl, 0.075 M sodium citrate), 50 mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, sonicated salmon sperm DNA (50 µg/ml), 0.1% SDS, and 10% dextran sulfate at 42°C, with washes at 42°C in 0.2 x SSC (sodium chloride/sodium citrate) and 50% formamide at 55°C, followed by a high-stringency wash consisting of 0.1 x SSC containing EDTA at 55°C.

28. (New) A vector comprising the nucleic acid of Claim 26.

29. (New) The vector of Claim 28, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

30. (New) An isolated host cell comprising the vector of Claim 28.

31. (New) The host cell of Claim 30, wherein said cell is a CHO cell, an E. coli or a yeast cell.